

SN: 09/631,502

Amendment dated April 2, 2003

Reply to Office action mailed January 2, 2003

REMARKS

The Office Action mailed January 1, 2003, has been received and carefully reviewed. Reconsideration and withdrawal of the rejections of the claims of the above-identified application is respectfully requested. Claims 1-6 have been canceled and new claims 22 and 23 have been added. The amendments to the specification and new claims 22 and 23 are fully supported by the specification and drawings as originally filed, for example at pages 8-9 and FIG. 6. No new matter has been added.

Rejections Under 35 U.S.C. §102(b)

Claims 1-21 are rejected as being anticipated by Jarvis (US 5,685,673). The Examiner asserts that Jarvis teaches every element of the claimed instrument. Applicants respectfully traverse the rejection.

Independent claim 7 recites a blade having a height dimension and a width dimension less than the height dimension. This feature is shown in FIG. 4, and results in a blade with an oblong cross-section. The blade of Jarvis has a circular cross-section, as shown in FIGS. 19 and 21. It appears the Examiner may be interpreting "blade" as only the cutting edges, which, in FIGS. 19 and 21 of Jarvis, appear to have a height greater than a width. However, claim 7 recites a blade having first and second cutting edges. Thus "blade" is used to designate the entire cutting end of the device. FIG. 4 clearly shows that the width W is less than the height H of the blade. The blade of Jarvis is clearly cylindrical and circular in cross-section. Thus, Jarvis does not teach each and every element of independent claim 7 and claims dependent thereon.

Regarding independent claim 14, the Examiner asserts that Jarvis teaches a curette with a shaft 29, a blade with an undulating configuration and first and second cutting edges 30 and collecting elements 32' and 33'. Applicants respectfully disagree. Claim 14 requires a blade having first and second sides, each having a concave region and a convex region. These features are described in the specification at page 6, lines 15-19 and in FIG. 4 as reference numbers 22 and 26 (concave surfaces) and 23 and 27 (convex surfaces). Thus, the claimed blade requires two sides, each having two curved regions. Jarvis discloses a blade in which each side has a concave surface and a straight surface.

SN: 09/631,502

Amendment dated April 2, 2003

Reply to Office action mailed January 2, 2003

See, for example, reference numbers 34, 39 (concave) and 35, 40 (straight) in FIGS. 9 and 11. Thus Jarvis fails to teach a blade having first and second sides each having a concave region and a convex region as instantly claimed. Applicants respectfully submit that Jarvis fails to teach each and every element of independent claim 14 and claims dependent thereon.

For the reasons set forth above, Jarvis fails to teach each and every element of the claims, and therefore cannot be seen to anticipate the invention. Withdrawal of the rejection is respectfully requested.

It is respectfully submitted that each of the presently pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332.5300

Date: 4-02-03

A handwritten signature in cursive script, appearing to read "Nancy J. Parsons".

Name: Nancy J. Parsons
Reg. No.: 40,364
DGS/NJP